

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

3 ROBERT LEMMOR,

4 PLAINTIFF,

5 -against-

Case No:  
08-CV-2641

6  
7 DEPT. MICHAEL CERVINI,  
8 DET. EDWARD SPAGNUOLO &  
THE CITY OF NEW YORK

9 DEFENDANTS.

10  
11 DATE: August 19, 2009

12 TIME: 11:00 a.m.

13  
14  
15 EXAMINATION BEFORE TRIAL of the Plaintiff,  
16 ROBERT LEMMOR, taken by the Defendants, pursuant to a Court  
17 Order and to the Federal Rules of Civil Procedure, held at  
18 the offices of THE NEW YORK CITY LAW DEPARTMENT, located at  
19 100 Church Street, New York, New York, before Kerrianne  
20 Marashaj, a Notary Public of the State of New York.  
21  
22  
23  
24  
25

LEMMOR

1 collect nothing until late '06.

2 Q. Did you file a notice of claim in this case, in  
3 this Cervini, Spagnuolo case?

4 A. Not that I recall.

5 Q. Did you file one in the case with you have with  
6 Ms. Arrubas?

7 A. No, I was going to. As a matter of fact, just  
8 before I was negotiating when the lawyer got in trouble, I  
9 was negotiating with him and I had told him what had happened  
10 at the two dumps. Then I got arrested again, did another  
11 eight months, more lies, and then -- what do you call it? --  
12 while I was in there, I started negotiating, so it was 2005  
13 when he got in trouble, because it was early 2006 when this  
14 happened, then -- so it was 2005 when the lawyer got in  
15 trouble.

16 Q. So do you know if a notice of claim was filed in  
17 the case with Ms. Arrubas?

18 A. No, I didn't file one.

19 Q. What about the case in -- the corrections case, the  
20 2009 case?

21 A. That one I filed a notice.

22 Q. Have you ever testified in a 50H hearing on any of  
23 those notices of claim?

24 A. Excuse me?

25 Q. Do you know what a 50H hearing is?

LEMMOR

1 A. No.

2 Q. So what did you do next?

3 A. Then I went -- I stopped at the shop, I passed by  
4 it one more time. I seen one of the guys that worked there.  
5 He was like, "What are you doing?" I said, "I am going  
6 home." He left with his girlfriend and I was taking side  
7 streets. So I went towards John's house --

8 Q. This is the same John that you had recently had the  
9 incident?

10 A. Yes. So now what happened was the -- I went over  
11 there. I was going to take the side streets because I don't  
12 make the drive passed the precinct.

13 Q. Which precinct?

14 A. 114.

15 Q. Where is that located?

16 A. 34th and Astoria Boulevard. If you take 33rd down  
17 and make a right, you get on the highway. I didn't want go  
18 that way because the front end is damaged and I just didn't  
19 want no aggravation, plus if one of them sees me, so I just  
20 avoid that area. I went through the side streets. I was  
21 going to go down 49th to get on the highway because there's  
22 another entrance, when you go down, you make a right and you  
23 go over the bridge, and that is it. When I was over there, I  
24 stopped. I says, let me see what this guy is up to, John. I  
25 made the U-turn and I parked right across from his window. I

LEMMOR

1 called him on the phone.

2 Q. I'm sorry. Sorry. I don't mean to interrupt, I  
3 just want to understand. Does he live in a --

4 A. Housing project.

5 Q. It is a housing project?

6 A. Yes. Woodside Houses, first corner, the building  
7 right where the school is.

8 Q. Just to get some idea, do you know about how many  
9 apartments is that, how many floors it is, is it a big  
10 building?

11 A. I think they all go four floors. Each building I  
12 think has four apartments on each floor.

13 Q. What floor did you say he was on?

14 A. He was on the third.

15 Q. On the corner?

16 A. Yes, the first building on the corner, 49 and 31st.

17 Q. So continue. So you called him on the phone?

18 A. Yeah. When I got to 31st, I was on 31st Avenue,  
19 making a left down 49th to go right to the highway. What I  
20 did was I went passed the block, I looked up, I seen, you  
21 know, cause his window is right there. I made the U-turn, I  
22 stopped, I tried calling him. Voice mail. Voice mail. So  
23 now I had the phone, it rang back. I was like, "Hello." He  
24 was like, "What are you doing outside my window?" I look up,  
25 and he's right there. So we get to talking, we are like, yo,

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1 what's up, you want to come down, maybe have a beer or  
2 something? We'll go to the store." Anyway, he says, "Yeah,  
3 yeah, I'll come down in a couple minutes." As soon as he  
4 said that, here comes the van. I am on the phone like this.  
5 The van pulls, we both look at each other, and I go, "Here we  
6 go."

7 Q. Wait. When you say "we both looked at each other,"  
8 you and John?

9 A. Me and Cervini. Cervini was driving.

10 Q. Who was driving, Cervini?

11 A. Yes.

12 Q. You recognized him?

13 A. Yeah, of course. We both looked at each other, and  
14 I was like, "Oh, here we go." I knew they were going to  
15 start with me. Anyway, he's looking like this, then he kept  
16 going. Now, when he looked, the passenger jumped over to  
17 look also like this. That was Spagnuolo.

18 Q. Did you recognize him?

19 A. Yeah, I recognized he's the guy that hit me with  
20 the garbage can that day when they set me up with the girl.

21 Q. But you didn't know his name was Spagnuolo?

22 A. No. I assumed it was him because when he hit me  
23 with the garbage can, the garbage can was between me and him,  
24 so after I looked up and he was standing right there, "Ha ha  
25 ha. Look at you now," stupid stuff. Anyway, when he leaned

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1 over, I wasn't sure if it was him or not. I was almost aware  
2 like say 70 percent that was him. I said, "Oh, these guys  
3 are going to start with me," so I went to the corner and I  
4 made a U-turn.

5 Q. Where is the van when you started driving?

6 A. Going in the opposite direction.

7 Q. Is it passed you or passing you or far past you?

8 A. No, it was even with me. He's going in the  
9 opposite direction than me, we look at each other.

10 Q. As soon as you recognize him, you start driving?

11 A. No, as soon as they got past me a little bit, I  
12 said, "I will call you right back."

13 Q. Is the car running when you are talking to him?

14 A. Yeah, of course. I went to the corner and I made  
15 the U-turn. They went to the corner and made the U-turn. I  
16 knew that they were probably going to bother me, but I am not  
17 going to make the right and start taking off. There was no  
18 reason for it. So I went to the corner and I made the  
19 U-turn. Now, when I pull back up, I look over here, I could  
20 see his window. I was like maybe four car lengths in when I  
21 made the U-turn. They went to the corner and made a U-turn,  
22 so now I seen them, and I says, "Ah, man, here we go." I put  
23 it in reverse, and from the double yellow line to the curb,  
24 on each side you could put three cars. So you could put from  
25 curb to curb six vehicles.

LEMMOR

1           When I pulled up when I made the U-turn, I pulled  
2       this way, they made the U-turn when I seen them. I started  
3       to back up and park next to the parked cars, so that would  
4       put me like in the middle lane if it was three lanes. As I  
5       pulled in like this, as soon as I pulled in, I turned around,  
6       they were right there on the other side of the double yellow  
7       line. Another car went by, he had the wheel already cut. As  
8       soon as that car went by, he punched the gas right at me.  
9       Now, my car is still in reverse. As soon as he points the  
10      gas towards me -- they got about this close.

11           Q.     Let the record reflect Mr. Lemmor is showing about  
12      two feet.

13           A.     Maybe two feet, a foot and a half, maybe the most,  
14      two and a half. But they were still moving. I am thinking,  
15      "Oh, that's it." I tapped the gas because I don't know if  
16      they are going to bump into my car and say, "Why you hurting  
17      our van." They do stupid stuff like that.

18           Q.     So you start to revers?

19           A.     No, I just tapped the gas because I will get away  
20      from them -- if they are going hit me. They could just  
21      plow -- I mean, they hit me at the end of the chase anyway,  
22      crashed right into me. I was stopped already for like 25  
23      seconds. So I don't know, plus I already got damage on the  
24      front end. He could say, "Oh, yeah, he tried to take off."  
25      This is so stupid. What happened was as soon as they got too

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1 close and they were still moving at maybe like 10 miles an  
2 hour, I just tapped the gas enough that it backed up to get  
3 out of their path. Once I started to back up, I turned  
4 around because there were people. I turned around like this  
5 and I looked back, they are coming around me on the side  
6 already. I'm like "Oh, no." I hit the gas a little bit  
7 more --

8 Q. At that point when they are coming around you on  
9 the side, was is it now? I mean, they are not going to hit  
10 your car anymore so what is your concern?

11 A. Well, they weren't really on the side yet. They  
12 were coming around, like they swept this way and I was like  
13 this, so they were still right there in my front end. They  
14 were looking to get on my side, but there's cars coming so  
15 they really --

16 Q. Had you stopped your car at that point, what did  
17 you think was going to happen?

18 A. They were going to harass me, maybe beat me up,  
19 maybe lie.

20 Q. So what did you do?

21 A. Well, as I looked this way, I seen them like they  
22 was like this on the front end, almost catty corner.

23 Q. Let the record reflect Mr. Lemmor is showing the  
24 left front of the police vehicle near the right front of his  
25 vehicle.



LEMMOR

1 A. Then I turned back around again this way. There  
2 were people out there.

3 Q. In the street?

4 A. Well, no, not in the street like in front of my  
5 vehicle, but still I am not going to let someone walk in  
6 front of me when I'm moving. So I turn back around and I  
7 look one more time and then I hit the gas more. I stopped  
8 right there like three car lengths away. As I stopped, I  
9 moved about three car lengths plus a little bit across the  
10 street. I stopped right on the corner. I am like, "What do  
11 you want?" They start yelling, everyone is yelling out the  
12 window. "Pull over," this and that. I was like, "Yeah, all  
13 right." Now, a car pulls up, starts beeping the horn at  
14 them. The car pulls up right on their side because now they  
15 are on my side. Even then I'm pointing backwards, I am still  
16 in the right direction.

17 Q. You were going backwards in the lane that -- your  
18 car is --

19 A. Pointing in the right direction, but I stopped.

20 Q. Right, even though you happen to be going  
21 backwards?

22 A. Yeah, but then I had completely stopped. I only  
23 went like four car lengths.

24 Q. Are they on your side of the yellow line or are  
25 they on --

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1 A. No, my side of the yellow line, so they are  
2 pointing in the wrong direction.

3 Q. And they are blocking the traffic?

4 A. Now, they were blocking me. The traffic on the  
5 other side had a free lane, but some guy stopped next to  
6 them. These people are going, "What the fuck are you doing,"  
7 this and that. They started yelling, "Get out of here." I  
8 guess they showed him a badge or whatever so he started to  
9 pull away, but now there is a car coming behind me, so I am  
10 figuring, oh, here comes a big commotion, they are going to  
11 blame me for it. This is what they do. This is what you  
12 expect from these guys.

13 Before the car came towards me and before this car  
14 got to box me in, because on top of that, I don't know who  
15 they called or what they were doing. I went like this, I  
16 went into the other lane. Now, I'm reversed, but I'm going  
17 in the right direction. I'm still backwards.

18 Q. But you are on the other side of the yellow line  
19 going backwards with traffic?

20 A. No, I am moving with traffic, but my vehicle is  
21 backwards. So now I am thinking, "Where can I pull this  
22 over."

23 Q. Pull your car over?

24 A. Yeah, without causing a big scene.

25 Q. But you're still driving backwards?

LEMMOR

1           A.     Yeah. The whole car -- the whole length of that  
2     block is only like 10 cars, so when I was right here and then  
3     I made that move, I was already like four car lengths into  
4     the block. There was only another five car lengths. What  
5     they did is they is zipped up right behind me and I'm looking  
6     like this, I'm like, "Damn, I got to pull over." I'm looking  
7     at those people over there and stuff, and I'm like, "Damn,"  
8     everything is parked.

9           Q.     What if you had just stopped your car?

10          A.     They probably would have been me up anyway. They  
11     would harass me, they would, you know.

12          Q.     But you are looking for a place to pull over?

13          A.     Yeah. Well, now my nerves are frigging way up  
14     here, my blood pressure, everything. This guy would have  
15     beat me up. This guy already fractured my eye socket. Now,  
16     an issue just occurred where people are beeping at them and  
17     calling them jerks and whatnot. They are going to take that  
18     out on me, but what happened was, before I could do anything,  
19     even stop or anything, now they push me back into the  
20     intersection. They put their front end on my front end and  
21     rammed me right through the intersection. That's why I hit  
22     my brakes. I looked, I turned this way, but there was  
23     nothing I could do. I am slamming on the brakes and they  
24     were pushing me through.

25          Q.     Did you have the light?

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1 A. Pretty much, yes, I mean cause the other care was  
2 coming down so the light was pretty much green to me.

3 Q. I only ask because I am saying there weren't cars  
4 coming through the intersection.

5 A. No, no, luckily there wasn't because they would  
6 have blamed that on me. They would have said, "Oh, look, he  
7 went bananas and freaked out or crashed into somebody." But  
8 I happen to be a very good driver. What happened was they  
9 push me and there was a parked car on the corner. They  
10 pushed me through the intersection, and then they stopped.  
11 When they stopped, I slammed on my brakes. I had just missed  
12 a car like this. I parked right next to it practically. So  
13 now we are even, our front ends are even to this parked car  
14 and they pull up in front of mine. After they let go, they  
15 hit the gas and they pulled right up to me like this, maybe  
16 eight inches apart, not even.

17 So Spagnuolo jumps out, and I'm like, "Oh, no." I  
18 don't know if he had a gun or what, so I just ducked down a  
19 little. I thought my car had stalled because when you slam  
20 on the brakes sometimes, they stall out. I turned the key.  
21 It started running; it made that noise. Spagnuolo jumped  
22 because I could still see him just a little bit above the  
23 dashboard. He jumps. He jumped back a little bit because he  
24 got startled from the noise. Another cop car came on the  
25 opposite side of the van.

LEMMOR

1 Q. Was this a marked R and P?

2 A. Regular cop car, yeah. They were going somewhere  
3 else. They seen what was going on, they had the lights on,  
4 so they joined themselves, they joined to them. Once they  
5 pushed me through that intersection, I was not stopping.

6 Q. Why is that?

7 A. Why? Because now they just did something that if  
8 there was a passenger or person there, I would have been held  
9 liable for that. Meanwhile, it was them that did it. They  
10 pushed me right through like the stuff you see on "Cops."  
11 Plus, I don't know if Spagnuolo is drawing his gun or what.  
12 I'm really not looking. Once I got the car started again, it  
13 was actually started, I just shifted downwards because now  
14 I'm thinking, I shift it downwards, the cars bounce like  
15 this, they just touch each other. I threw it back in  
16 reverse, I took off.

17 Q. Let me ask you a question at this point. In your  
18 mind, did you --

19 A. In my mind, I am getting a beating.

20 Q. Right. What I am saying is, whether you stopped  
21 the car then or your drove it however far you could get when  
22 you got these cops chasing you and then you get stopped. If  
23 anything, aren't you making the situation worse because, you  
24 know, if you're going to harmed by these people --

25 A. Well, once they push me through the intersection,

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1 my mind was already set that, you know what, they are not  
2 getting their hands on me. They just created a situation  
3 where someone could have got run over. And they don't care,  
4 they're going to say, "Yeah, he did it," so therefore, right  
5 there, my number one objective was to get away from them  
6 because I know now how hot water just started bubbling.

7 Q. Did you think it was realistic that you might  
8 actually get away and not be arrested?

9 A. Very realistic.

10 Q. What was your plan in that regard? How was that  
11 going to happen?

12 A. How? Well, being stuck in reverse, it was -- I was  
13 just waiting for my chance to get around. I mean, I know the  
14 driveway is -- the alleyway is over there. I could have  
15 pulled in the driver way and jumped out the sunroof and they  
16 couldn't even squeeze through. So I know that whole area  
17 like the back of my hand.

18 Q. They knew who you were, right?

19 A. It would matter. Then I would just go through  
20 Internal Affairs, hire a lawyer, but it is better than  
21 getting beat up or beat to death. I know they killed Colon,  
22 I am almost certain they killed Colon. I already had my eye  
23 broken by this guy, when he has nothing even to do with the  
24 case I was getting arrested for. That was because of writing  
25 a garbage complaint. These guys are dangerous. They kill

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1 people. They lie. They lie about people.

2 If you knew that somebody is a flat out liar, all  
3 right, and they don't like you, they can put you up for any  
4 charge any day. "Oh, yeah, he punched me." You are looking  
5 at seven years. "Oh, he did this. Oh, he did that." Whose  
6 word is it? Mine with a rap sheet down to the Yellow Brick  
7 Road, or are they going to believe the chump with the badge?  
8 Yeah, swear to tell the whole truth and everything I made up.  
9 That is what is in my mind about these people. They are  
10 dangerous.

11 Q. All right. So go ahead. So you decide you are not  
12 going to be -- they are not going to catch you, so what  
13 happens next?

14 A. Well, I was hoping -- at that point I am going to  
15 push it through. I was like, "Oh, shit, this is it." I  
16 punched the gas all the way up the block.

17 Q. Backwards?

18 A. Yeah.

19 Q. How fast are you going?

20 A. Twenty miles an hour, 15 at the most. Never went  
21 over 20.

22 Q. The whole chase you never went over 20 miles an  
23 hour?

24 A. No. Well, not until I went forward. Maybe I hit  
25 35, 40.

LEMMOR

1 Q. I am sorry to stop you, and we will come right back  
2 to it. Did your, John, your former friend, John, he was  
3 still looking out his window right when --

4 A. Yeah, as a matter of fact, when I stopped three car  
5 lengths back, my phone was ringing, it was on the passenger  
6 seat. It started ringing. So now with that, this guy  
7 beeping, the phone going nuts, and these guys frigging  
8 yelling.

9 Q. But it was him calling?

10 A. Yeah, cause he seen what happened, he seen them  
11 drive their van at me. He even seen them when they went by  
12 the first time. He pays more attention to that stuff. When  
13 I am walking around, I am oblivious to stuff because I'm not  
14 doing things wrong. Like I said, once in a while I party,  
15 and that is it.

16 Q. So you back up 20 miles an hour, you're backing up  
17 down the next street.

18 A. I went to the corner, stopped, was waiting across  
19 the street.

20 Q. Stopped, backed up --

21 A. I can drive in reverse from here to Columbia.

22 Q. -- for the lady to cross the street, you stopped.

23 A. Yeah, she was on the opposite side. She was on the  
24 opposite side of the intersection.

25 Q. The far side of the intersection.



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1 A. Yeah. So what happened was she walked out this  
2 way, but with the cop cars and everything, I stopped right  
3 here on this side and made the turn and went this way.

4 Q. So you didn't go where she had just crossed in the  
5 intersection?

6 A. No. No. I turned to avoid her.

7 Q. Backwards?

8 A. Yeah, I went backwards and went straight down the  
9 block.

10 Q. When you stopped while this woman was crossing,  
11 what did the cop cars do, didn't they try and --

12 A. Well, the blue and white followed me. Then the van  
13 came behind the blue and white.

14 Q. Okay. Sirens are on?

15 A. Yeah.

16 Q. So now you are going backwards down the street.  
17 What happens next?

18 A. I was looking for the space where I could turn  
19 around.

20 Q. When you say "turn around," what is your plan when  
21 you turn around?

22 A. It is a reverse 180. All you have to do is cut the  
23 wheel from 12:00 to 6:00, throw it in drive and put it back  
24 to 12:00 and the car will just turn automatically.

25 Q. So while you are moving, the car spins around from

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1 backwards to forwards?

2 A. Yeah, it goes like this. It goes tit, tat, and go  
3 like this and just keep going.

4 Q. Did you ultimately do that?

5 A. Yes.

6 Q. At that time, right then?

7 A. Well, when I got over to the middle of the block  
8 where there was space where I could do it.

9 Q. Does that cause you to slow down or anything?

10 A. No, I did it about 15 miles an hour.

11 Q. So you are going 15 miles an hour. Can't these cop  
12 cars just catch right up with you?

13 A. No, because there are cars parked on both sides.  
14 They were right on my nose like this. See, the cop car  
15 didn't really like bump into me like the van did. They just  
16 stayed on my nose like that with sirens going and everything.  
17 Once I had a chance, I did the reverse 180. That's when I  
18 hit the gas and made a left, because there's a short block  
19 before 31st -- before 37th, there was a short block. There  
20 was a car parked on the right-hand side and a car coming, so  
21 I couldn't make the full turn.

22 So now I am like, "Oh, shit," and then the cop car  
23 is like right there. I went like this because I didn't know  
24 if they were going to jump out, grab me, what, or even, I  
25 don't know, start shooting. You don't know what people are

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1 going to do. So I looked and there was no way to make the  
2 full turn back onto 49th. So I looked, there was grass. Two  
3 car lengths down there is a driveway. I went through the  
4 grass --

5 Q. On the sidewalk?

6 A. Yeah, I went up on the sidewalk, there was nobody  
7 there. If there was, I would have just stopped and got beat  
8 up there. I went through the grass and was going to come  
9 off. There was another car parked there, so now I stopped  
10 for that split second because the tree came down, but it  
11 curved at the bottom. The cop car came right up on the  
12 sidewalk behind me. The van is coming right there. My door  
13 is this far from the steel fence, maybe a foot from the steel  
14 fence, so I figured maybe I will lose my mirror on the  
15 driver's side. I stopped for that split second and I just  
16 looked and I went because there was a driveway right there on  
17 the other side of the tree.

18 My wheel caught -- as a matter of fact, that day I  
19 changed the wheel. I forgot all about that. I changed the  
20 wheel, also. I went and had the tire put on the rim. It was  
21 35 bucks. Then I did the wheel alignment.

22 What happened was the tires got pinched at the  
23 bottom of the tree, and when they hit the bottom of the tree,  
24 it pushed this way and I caught just a little bit of the  
25 fence. They pinched the tire and came up the driveway, went

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1 down the block. When I got to the corner, there was a guy  
2 crossing to get into his double parked car. I had no horn.  
3 I stopped --

4 Q. Why did you have no horn?

5 A. Because when I bought it, the air bags were popped.  
6 The car was in a little bit of an accident, they fixed it up  
7 and they sold it, but there was no air bags. He says, "Look,  
8 if you want the air bags, it is going to cost you an extra  
9 whatever." I said, "Don't worry about it. I will get them  
10 later."

11 Q. And the air bags and the horn are part of the same  
12 thing?

13 A. Well, yeah, it is all in the same package. This  
14 guy was crossing the street because there was a deli on the  
15 corner or something, I think it is a deli. He was double  
16 parked and he crossed the street, so I stopped. "Hurry up  
17 and get out of the way." I put my head out the window, I  
18 said, "Come on, come on." So as soon as he got in, I hit the  
19 gas again and got to the corner, stopped for a split second,  
20 there was a car, I made the turn, I started going down 30th  
21 Avenue. As I am going, all of a sudden I hear this noise. I  
22 am like, "What is that?" It starts getting louder. The tire  
23 got pinched and it ended up with a hole in it. So I went  
24 like 42nd -- I went down like four blocks, five blocks, to I  
25 think 42nd, 43rd, about four blocks.

LEMMOR

1 Q. Where is the cop car?

2 A. Right behind me. The van is behind me now because  
3 the cop car went up on the sidewalk. The van followed me.  
4 What happened was I got to, I think, 43rd. There is all  
5 people up there, it is summertime. It is getting dusk is  
6 there, it is like maybe quarter to 8:00, something like that.  
7 There is all people walking on the sidewalk. I go, "Shit,"  
8 so I make the right turn. I went up the block a little bit  
9 and I pulled over, I was like, "Fuck," because now I got a  
10 flat tire, I am not going to risk a chance like that.

11 I could risk maybe trying to duck into a driveway,  
12 whatever, but I am not going to risk that with other people  
13 out there, so driving with a flat, it's a dead issue. I  
14 pulled over, I started cursing myself. I looked down and I  
15 knew I was going to jail, getting arrested. So I looked down  
16 and grabbed that \$21 in my cup holder, I grabbed that, and  
17 then the next thing I know as soon as I grabbed it, I was  
18 like they crashed into my door.

19 Q. You were parked on the right side of the street?

20 A. Yeah. They crashed into my door, the whole truck  
21 rocked, and the next thing I know and before I could even  
22 turn my head back, Spagnuolo jumped out and smashed me right  
23 through the window.

24 Q. He punched through the window?

25 A. Yeah. My windows are open.

LEMMOR

1 Q. So he didn't have to break the window?

2 A. No.

3 Q. He punched you through the window?

4 A. Yeah.

5 Q. From your side window, the driver's side window?

6 A. Yeah, because now we are here. We connected like  
7 this. He crashed into my door. He jumped out right here and  
8 smashed me with a left hook right through the window, boom.  
9 I am seat belted in, can't do nothing, they got me pinned in.  
10 They beat me up, I got hit with like four or five punches.  
11 Cervini came out and he ran around the front cause now he is  
12 squeezing his face right here. He ran around the front.  
13 He's like, "Get out, get out." He was trying to drag me out.  
14 Now, with Spagnuolo, I don't know if he opened the back door  
15 and climbed in and hit me a few more times, or if he leaned,  
16 like threw hooks going through each window. If you see the  
17 pictures, you see a spot of blood, the back of my head is  
18 bandaged, that is because there was cuts over here and cuts  
19 on the side. The first shot was pretty bad. I got seven  
20 staples there. Anyway, they grabbed me, they grabbed me out,  
21 I put my hand on the van, I spun around a little bit, I fell  
22 over. They were like --

23 Q. I am sorry. They pulled you out of the window?

24 A. Yeah.

25 Q. How?

LEMMOR

1 A. He was like, "Get out," grabbing my shirt, pulling  
2 my shirt. I started climbing out, "yeah, yeah, yeah." So  
3 that was after like five punches, six punches I got hit with.  
4 As I got my hand on the van, I was climbing out more and then  
5 I fell over. I got one leg free and I twisted this way and I  
6 fell on my back.

7 Q. In the triangle between where their car was --

8 A. Yeah, in the front of the van. I fell out like the  
9 front over their van, not this way. So I fell out over here.  
10 I spun around and he sort of grabbed me. I wasn't really --  
11 didn't fall fall, but I was sort of on one leg so when he  
12 grabbed me, he threw me down this way and he grabbed this  
13 arm.

14 Q. Your right arm?

15 A. Yeah. That is when I landed flat on my face. He  
16 dragged me like maybe a foot or two and I just fell right  
17 down. He's got the one hand. By this time, Spagnuolo  
18 already ran around to the other side. I guess he ran around  
19 the van or maybe hopped over, but I couldn't really tell. I  
20 am assuming that he ran around the van. Anyway, he's got  
21 this one and he cuffs it and he's got this one and he's like,  
22 "I got him, I got him. Move him."

23 Q. Your left hand?

24 A. Yeah. So he's holding my left hand and I am face  
25 down on the ground. That is when he snapped this. He says,

LEMMOR

1 "I got him, I got him, I got him." He says, "Hold his other  
2 arm." It's like they are yelling and stuff. That's when he  
3 snapped it. Now, the cuff was already on it, and they  
4 grabbed the other hand and they cuffed them up.

5 Q. So you weren't actually able to see your thumbs  
6 being broken?

7 A. No, it was behind my back, but I know he got the  
8 one cuff on cause I felt it go real tight, and he was like,  
9 "I got him, I got him," and crunch. I felt like a knuckle.  
10 The whole bone popped and ripped right through pad.

11 Q. So what happened after that?

12 A. Nothing. They called ESU, EMS.

13 Q. Your other hand was handcuffed, right, your left  
14 hand?

15 A. Yeah. They got that. I didn't resist at all. I  
16 didn't resist at all, no flapping or nothing. When he  
17 snapped it, I just sort of looked up and I was like, you  
18 know. That is when the other one, he hit me with the elbow.  
19 Then Spagnuolo, he has his knee on my kidneys, like on my  
20 back and he's like, "What did you get over there, what did  
21 you buy over there?" "I didn't buy nothing, what are you  
22 talking about." Like after that, I pretty much shut up. I  
23 didn't have nothing else to say to them. He stood up, he's  
24 got his feet on my back, and he's like this, he's digging his  
25 foot in the right hips.



LEMMOR

1 didn't get none of the actual recommendations, I didn't get  
2 anything.

3 Q. You said you were in an ambulance with Spagnuolo  
4 after the incident?

5 A. Yes.

6 Q. Where did you go, where did the ambulance take you?

7 A. Elmhurst. The only thing I was saying was losing  
8 the cuffs, that was it.

9 Q. You did say that?

10 A. Yeah.

11 Q. Did they do it?

12 A. No. Even the other guy, even the paramedics was  
13 like, "Yo, man, look at this guy's handcuffs, lose them." "I  
14 ain't got the key." That was the extent of anything that was  
15 said, like any type of conversation. Other than that, I had  
16 nothing to say to anyone. I was disgusted.

17 Q. How long were you at the hospital for?

18 A. Until the next morning, the next afternoon,  
19 morning, I don't know exactly what it was.

20 Q. Were you asked for your complaints when you got to  
21 the hospital? Did they ask you what the problem was?

22 A. In the office?

23 Q. Yes.

24 A. Yes, of course.

25 Q. What did you say?

LEMMOR

1 A. I told him, I said, "The cops beat me up."

2 Q. In terms of your specific injuries, did you tell  
3 them what --

4 A. Oh, the thumb was bent this way. They could see.  
5 It was like this big, you know, bleeding. Right there is the  
6 scar where it came out.

7 Q. What treatment did you receive at the hospital?

8 A. Not much of anything. The cops came the next day  
9 and they were like, "He is coming with us, we don't care, you  
10 just get him discharge papers." Three other guys started  
11 yelling at them. Then the doctor is like you know, there  
12 isn't much I can do for you, these guys are taking you away.  
13 I was like, "What, am I going to get admitted or something?  
14 They admitted me for a fractured eye." He was like, "We  
15 don't have anybody that can help you," but anyway, they put a  
16 splint on me and stapled my head, and that was the next day.

17 I laid there for hours with a broken hand. They  
18 gave me like two Percocets or something like that. I just  
19 went to sleep.

20 Q. Did you ever get any further treatment for your  
21 hand?

22 A. No, cause Corrections was taking me back and forth  
23 shackled like a dog, you know, they bring you to Bellevue and  
24 you are all shackled up and they stay in there like this with  
25 their hands on their guns, staring at you, like if you move.

LEMMOR

1 They kept bringing me back and forth, back and forth. When I  
2 went to what they call Urgent Care, they says, all right,  
3 they put me for the orthopedic development, that day and on  
4 the same day as my next court date. I didn't go to either  
5 one of them. I says, "I want to go to court." "No, you  
6 aren't going to either one."

7 Then they did the same thing again. I don't know,  
8 but they screwed up because the second time I signed the  
9 paper, I says, "Reschedule." It is called a refusal slip and  
10 I put "reschedule" because of court. They didn't do none of  
11 that so now I am going back and forth to doctors, they didn't  
12 send me to specialists. Eight, eleven weeks down the road,  
13 it is the same thing. I got every day, every piece of paper,  
14 everything. I kept a journal of exactly what they did on  
15 what days and everything. I am pretty sure I still have it  
16 because some of the stuff I get disgusted with.

17 I was thinking about suing them, too, for not  
18 giving me proper treatment. I didn't get one painkiller. I  
19 really don't like them, but it is nice to have them. I am in  
20 an air conditioned area with a completely 100 percent  
21 fractured bone. I have to keep it wrapped up because the  
22 thing is throbbing and hurting.

23 Q. Did you ever receive any treatment, or is your  
24 thumb --

25 A. Nothing.

LEMMOR

1 Q. Your thumb is just on its own, I mean --

2 A. It is just the way it healed, that is it. The way  
3 they left it at the hospital. It is a half inch shorter.

4 Q. But the bone is fused again? I mean, it's not  
5 broken.

6 A. I would guess so. I haven't had any X-rays taken  
7 since then.

8 Q. Did you have X-rays taken at the time at Elmhurst?

9 A. They took X-rays at Elmhurst, they did a CATSCAN,  
10 they took X-rays at Urgent Care, then they took X-rays I  
11 think like one more time. They said they lost the first  
12 ones. As a matter of fact, Urgent Care, then Bellevue took  
13 X-rays because they were like -- I was like, "I got X-rays,  
14 how many times do they X-ray it? The thing is broken."

15 Q. What did the X-rays show at Elmhurst, do you know?

16 A. What does it show?

17 Q. Yes.

18 A. Bones snapped 100 percent completely in half.

19 Q. Are you talking about the bone in your thumb?

20 A. It is called the metacarpal.

21 Q. What about the CATSCAN, did that show anything?

22 A. That was for the head, that was for the staples.

23 Q. Did it show any specific injury, anything come up?

24 A. No, no concussions or nothing. Nothing broke.

25 Q. So you were only in the hospital overnight?